

BUSINESS AND LABOR REPORTING REQUIREMENTS

2022 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill removes expired reporting requirements.

Highlighted Provisions:

This bill:

► removes expired reporting requirements related to:

- the Inland Port Authority community enhancement program;
 - the cost of insulin manufacturing and factors that determine the price of insulin;
 - hospital costs and workers' compensation;
 - the effectiveness of the Labor Commission and state law in addressing discrimination in matters of compensation; and
 - education and training standards for state plumber and electrician apprenticeship programs; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

11-58-202, as last amended by Laws of Utah 2020, Chapters 126 and 263

34A-2-107, as last amended by Laws of Utah 2020, Chapter 156

34A-2-705, as last amended by Laws of Utah 2018, Chapters 268 and 319

34A-5-104, as last amended by Laws of Utah 2018, Chapter 317

58-55-201, as last amended by Laws of Utah 2020, Chapters 154 and 339

REPEALS:

31A-22-626.5, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **11-58-202** is amended to read:

35 **11-58-202. Port authority powers and duties.**

36 (1) The authority has exclusive jurisdiction, responsibility, and power to coordinate the
37 efforts of all applicable state and local government entities, property owners and other private
38 parties, and other stakeholders to:

39 (a) develop and implement a business plan for the authority jurisdictional land, to
40 include an environmental sustainability component, developed in conjunction with the Utah
41 Department of Environmental Quality, incorporating policies and best practices to meet or
42 exceed applicable federal and state standards, including:

43 (i) emissions monitoring and reporting; and

44 (ii) strategies that use the best available technology to mitigate environmental impacts
45 from development and uses on the authority jurisdictional land;

46 (b) plan and facilitate the development of inland port uses on authority jurisdictional
47 land and on land in other authority project areas;

48 (c) manage any inland port located on land owned or leased by the authority; and

49 (d) establish a foreign trade zone, as provided under federal law, covering some or all
50 of the authority jurisdictional land or land in other authority project areas.

51 (2) The authority may:

52 (a) facilitate and bring about the development of inland port uses on land that is part of
53 the authority jurisdictional land or that is in other authority project areas, including engaging in
54 marketing and business recruitment activities and efforts to encourage and facilitate:

55 (i) the development of an inland port on the authority jurisdictional land; and

56 (ii) other development of the authority jurisdictional land consistent with the policies
57 and objectives described in Subsection 11-58-203(1);

58 (b) facilitate and provide funding for the development of the authority jurisdictional
59 land and land in other authority project areas, including the development of publicly owned
60 infrastructure and improvements and other infrastructure and improvements on or related to the
61 authority jurisdictional land;

62 (c) engage in marketing and business recruitment activities and efforts to encourage
63 and facilitate development of the authority jurisdictional land;

(d) apply for and take all other necessary actions for the establishment of a foreign trade zone, as provided under federal law, covering some or all of the authority jurisdictional land;

(e) as the authority considers necessary or advisable to carry out any of its duties or responsibilities under this chapter:

(i) buy, obtain an option upon, or otherwise acquire any interest in real or personal property;

(ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or personal property; or

(iii) enter into a lease agreement on real or personal property, either as lessee or lessor;

(f) sue and be sued;

(g) enter into contracts generally;

(h) provide funding for the development of publicly owned infrastructure and improvements or other infrastructure and improvements on or related to the authority jurisdictional land or other authority project areas;

(i) exercise powers and perform functions under a contract, as authorized in the contract;

(j) receive the property tax differential, as provided in this chapter;

(k) accept financial or other assistance from any public or private source for the authority's activities, powers, and duties, and expend any funds so received for any of the purposes of this chapter;

(l) borrow money, contract with, or accept financial or other assistance from the federal government, a public entity, or any other source for any of the purposes of this chapter and comply with any conditions of the loan, contract, or assistance;

(m) issue bonds to finance the undertaking of any development objectives of the authority, including bonds under Chapter 17, Utah Industrial Facilities and Development Act, bonds under Chapter 42, Assessment Area Act, and bonds under Chapter 42a, Commercial Property Assessed Clean Energy Act;

(n) hire employees, including contract employees;

(o) transact other business and exercise all other powers provided for in this chapter;

(p) engage one or more consultants to advise or assist the authority in the performance

of the authority's duties and responsibilities;

(q) work with other political subdivisions and neighboring property owners and communities to mitigate potential negative impacts from the development of authority jurisdictional land;

(r) own and operate an intermodal facility if the authority considers the authority's ownership and operation of an intermodal facility to be necessary or desirable;

(s) own and operate publicly owned infrastructure and improvements in a project area outside the authority jurisdictional land; and

(t) exercise powers and perform functions that the authority is authorized by statute to exercise or perform.

(3) (a) Beginning April 1, 2020, the authority shall:

(i) be the repository of the official delineation of the boundary of the authority jurisdictional land, identical to the boundary as delineated in the shapefile that is the electronic component of H.B. 2001, Utah Inland Port Authority Amendments, 2018 Second Special Session, subject to Subsection (3)(b) and any later changes to the boundary enacted by the Legislature; and

(ii) maintain an accurate digital file of the boundary that is easily accessible by the public.

(b) (i) As used in this Subsection (3)(b), "split property" means a piece of land:

(A) with a single tax identification number; and

(B) that is partly included within and partly excluded from the authority jurisdictional land by the boundary delineated in the shapefile described in Subsection 11-58-102(2).

(ii) With the consent of the mayor of the municipality in which the split property is located, the executive director may adjust the boundary of the authority jurisdictional land to include an excluded portion of a split property or exclude an included portion of a split property.

(iii) In adjusting the boundary under Subsection (3)(b)(ii), the executive director shall consult with the county assessor, the county surveyor, the owner of the split property, and the municipality in which the split property is located.

(iv) A boundary adjustment under this Subsection (3)(b) affecting the northwest boundary of the authority jurisdictional land shall maintain the buffer area between authority

jurisdictional land intended for development and land outside the boundary of the authority jurisdictional land to be preserved from development.

(v) Upon completing boundary adjustments under this Subsection (3)(b), the executive director shall cause to be recorded in the county recorder's office a map or other description, sufficient for purposes of the county recorder, of the adjusted boundary of the authority jurisdictional land.

(vi) The authority shall modify the official delineation of the boundary of the authority jurisdictional land under Subsection (3)(a) to reflect a boundary adjustment under this Subsection (3)(b).

(4) (a) The authority may establish a community enhancement program designed to address the impacts that development or inland port uses within project areas have on adjacent communities.

(b) (i) The authority may use authority money to support the community enhancement program and to pay for efforts to address the impacts described in Subsection (4)(a).

(ii) Authority money designated for use under Subsection (4)(b)(i) is exempt from execution or any other process in the collection of a judgment against or debt or other obligation of the authority arising out of the authority's activities with respect to the community enhancement program.

~~[(c) On or before October 31, 2020, the authority shall report on the authority's actions under this Subsection (4) to:]~~

~~[(i) the Business, Economic Development, and Labor Appropriations Subcommittee of the Legislature;]~~

~~[(ii) the Economic Development and Workforce Services Interim Committee of the Legislature; and]~~

~~[(iii) the Business and Labor Interim Committee of the Legislature.]~~

(5) An intermodal facility owned by the authority is subject to a privilege tax under Title 59, Chapter 4, Privilege Tax.

Section 2. Section **34A-2-107** is amended to read:

34A-2-107. Appointment of workers' compensation advisory council -- Composition -- Terms of members -- Duties -- Compensation.

(1) There is created a workers' compensation advisory council composed of:

- 157 (a) the following voting members whom the commissioner shall appoint:
- 158 (i) five employer representatives; and
- 159 (ii) five employee representatives;
- 160 (b) the following nonvoting members whom the commissioner shall appoint:
- 161 (i) a representative of the workers' compensation insurance carrier that provides
- 162 workers' compensation insurance under Section 31A-22-1001;
- 163 (ii) a representative of a workers' compensation insurance carrier different from the
- 164 workers' compensation insurance carrier listed in Subsection (1)(b)(i);
- 165 (iii) a representative of health care providers;
- 166 (iv) the Utah insurance commissioner or the insurance commissioner's designee;
- 167 (v) the commissioner or the commissioner's designee; and
- 168 (vi) a representative of hospitals; and
- 169 (c) the following nonvoting members:
- 170 (i) a member of the Senate whom the president of the Senate shall appoint; and
- 171 (ii) a member of the House of Representatives whom the speaker of the House of
- 172 Representatives shall appoint.
- 173 (2) Employers and employees shall consider nominating members of groups who
- 174 historically may have been excluded from the council, such as women, minorities, and
- 175 individuals with disabilities.
- 176 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
- 177 expire, the commissioner, the president of the Senate, or the speaker of the House of
- 178 Representatives shall appoint in accordance with Subsection (1) each new member or
- 179 reappointed member to a two-year term beginning July 1 and ending June 30.
- 180 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
- 181 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 182 council members are staggered so that approximately half of the council is appointed every two
- 183 years.
- 184 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
- 185 be appointed for the unexpired term.
- 186 (b) The commissioner shall terminate the term of a council member who ceases to be
- 187 representative as designated by the member's original appointment.

(5) The council shall confer at least quarterly for the purpose of advising the commission, the division, and the Legislature on:

(a) the Utah workers' compensation and occupational disease laws;

(b) the administration of the laws described in Subsection (5)(a); and

(c) rules related to the laws described in Subsection (5)(a).

(6) Regarding workers' compensation, rehabilitation, and reemployment of employees who acquire a disability because of an industrial injury or occupational disease the council shall:

(a) offer advice on issues requested by:

(i) the commission;

(ii) the division; and

(iii) the Legislature; and

(b) make recommendations to:

(i) the commission; and

(ii) the division.

~~[(7)(a) The council shall:]~~

~~[(i) study how to reduce hospital costs for purposes of medical benefits for workers' compensation;]~~

~~[(ii) study hospital billing and payment trends in the state;]~~

~~[(iii) study hospital fee schedules used in other states; and]~~

~~[(iv) collect information from third-party hospital bill review companies in the state or region, to identify an average reimbursement rate that represents the approximate rate at which a workers' compensation insurance carrier or self-insured employer should expect to reimburse a hospital for billed hospital fees for covered medical services in the state;]~~

~~[(b) In accordance with Section 68-3-14, the council shall submit a written report to the Business and Labor Interim Committee no later than September 1, 2019, 2020, and 2021. Each written report shall include:]~~

~~[(i) recommendations on how to reduce hospital costs for purposes of medical benefits for workers' compensation;]~~

~~[(ii) aggregate data on hospital billing and payment trends in the state;]~~

~~[(iii) the results of the council's study of hospital fee schedules from other states; and]~~

~~[(iv) the approximate rate at which a workers' compensation insurance carrier or self-insured employer should expect to reimburse a hospital for billed hospital fees for covered medical services, calculated in accordance with Subsection (7)(a)(iv).]~~

~~[(c) For each report described in Subsection (7)(b), the commission may contract with a third-party expert to assist with the council's duties described in Subsections (7)(a) and (b).]~~

~~[(8)]~~ (7) The commissioner or the commissioner's designee shall serve as the chair of the council and call the necessary meetings.

~~[(9)]~~ (8) The commission shall provide staff support to the council.

~~[(10)]~~ (9) (a) Except as provided in Subsections ~~[(10)]~~ (9)(b) and ~~[(10)]~~(c), a member may not receive compensation or benefits for the member's service.

(b) A member who is not a legislator may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(c) A member who is a legislator may receive compensation and travel expenses in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Section 3. Section **34A-2-705** is amended to read:

34A-2-705. Industrial Accident Restricted Account.

(1) As used in this section:

(a) "Account" means the Industrial Accident Restricted Account created by this section.

(b) "Advisory council" means the state workers' compensation advisory council created under Section 34A-2-107.

(2) There is created in the General Fund a restricted account known as the "Industrial Accident Restricted Account."

(3) (a) The account is funded from:

(i) .5% of the premium income remitted to the state treasurer and credited to the account pursuant to Subsection 59-9-101(2)(c)(iv); and

250 (ii) amounts deposited under Section 34A-2-1003.

251 (b) If the balance in the account exceeds \$500,000 at the close of a fiscal year, the

252 excess shall be transferred to the Uninsured Employers' Fund created under Section 34A-2-704.

253 (4) (a) From money appropriated by the Legislature from the account to the

254 commission and subject to the requirements of this section, the commission may fund:

255 (i) the activities of the Division of Industrial Accidents described in Section

256 34A-1-202;

257 (ii) the activities of the Division of Adjudication described in Section 34A-1-202; and

258 (iii) the activities of the commission described in Section 34A-2-1005[~~;~~and].

259 [~~(iv) the activities of the commission described in Subsection 34A-2-107(7)(c), up to~~

260 ~~\$50,000 for each of the three reports described in Subsection 34A-2-107(7)(b).~~]

261 (b) The money deposited in the account may not be used for a purpose other than a

262 purpose described in this Subsection (4), including an administrative cost or another activity of

263 the commission unrelated to the account.

264 (5) (a) Each year before the public hearing required by Subsection 59-9-101(2)(d)(i),

265 the commission shall report to the advisory council regarding:

266 (i) the commission's budget request to the governor for the next fiscal year related to:

267 (A) the Division of Industrial Accidents; and

268 (B) the Division of Adjudication;

269 (ii) the expenditures of the commission for the fiscal year in which the commission is

270 reporting related to:

271 (A) the Division of Industrial Accidents; and

272 (B) the Division of Adjudication;

273 (iii) revenues generated from the premium assessment under Section 59-9-101 on an

274 admitted insurer writing workers' compensation insurance in this state and on a self-insured

275 employer under Section 34A-2-202; and

276 (iv) money deposited under Section 34A-2-1003.

277 (b) The commission shall annually report to the governor and the Legislature

278 regarding:

279 (i) the use of the money appropriated to the commission under this section;

280 (ii) revenues generated from the premium assessment under Section 59-9-101 on an

admitted insurer writing workers' compensation insurance in this state and on a self-insured employer under Section 34A-2-202; and

(iii) money deposited under Section 34A-2-1003.

Section 4. Section **34A-5-104** is amended to read:

34A-5-104. Powers.

(1) (a) The commission has jurisdiction over the subject of employment practices and discrimination made unlawful by this chapter.

(b) The commission may adopt, publish, amend, and rescind rules, consistent with, and for the enforcement of this chapter.

(2) The division may:

(a) appoint and prescribe the duties of an investigator, other employee, or agent of the commission that the commission considers necessary for the enforcement of this chapter;

(b) receive, reject, investigate, and pass upon complaints alleging:

(i) discrimination in:

(A) employment;

(B) an apprenticeship program;

(C) an on-the-job training program; or

(D) a vocational school; or

(ii) the existence of a discriminatory or prohibited employment practice by:

(A) a person;

(B) an employer;

(C) an employment agency;

(D) a labor organization;

(E) an employee or member of an employment agency or labor organization;

(F) a joint apprenticeship committee; and

(G) a vocational school;

(c) investigate and study the existence, character, causes, and extent of discrimination in employment, apprenticeship programs, on-the-job training programs, and vocational schools in this state by:

(i) employers;

(ii) employment agencies;

312 (iii) labor organizations;
313 (iv) joint apprenticeship committees; and
314 (v) vocational schools;
315 (d) formulate plans for the elimination of discrimination by educational or other
316 means;
317 (e) issue publications and reports of investigations and research that:
318 (i) promote good will among the various racial, religious, and ethnic groups of the
319 state; and
320 (ii) minimize or eliminate discrimination in employment because of race, color, sex,
321 religion, national origin, age, disability, sexual orientation, or gender identity;
322 (f) prepare and transmit to the governor, at least once each year, reports describing:
323 (i) division proceedings and investigations;
324 (ii) decisions the division renders; and
325 (iii) other work performed by the division;
326 (g) recommend policies to the governor, and submit recommendation to employers,
327 employment agencies, and labor organizations to implement those policies;
328 (h) recommend legislation to the governor that the division considers necessary
329 concerning discrimination because of:
330 (i) race;
331 (ii) sex;
332 (iii) color;
333 (iv) national origin;
334 (v) religion;
335 (vi) age;
336 (vii) disability;
337 (viii) sexual orientation; or
338 (ix) gender identity; and
339 (i) within the limits of appropriations made for the division's operation, cooperate with
340 other agencies or organizations, both public and private, in the planning and conducting of
341 educational programs designed to eliminate discriminatory practices prohibited under this
342 chapter.

(3) In addition to processing complaints made in accordance with this chapter, the division shall investigate an alleged discriminatory practice involving an officer or employee of state government when requested by the Career Service Review Office.

(4) (a) In an investigation held under this chapter, the division may subpoena a person to compel the person to:

(i) cooperate and participate in an interview; or

(ii) produce for examination a book, paper, or other information relating to the matters raised by the complaint.

(b) If a person fails or refuses to obey a subpoena issued by the division, the division may petition the district court to enforce the subpoena.

(c) If a person asserts a privilege against self-incrimination, testimony and evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of Immunity.

~~[(5) In 2018, before November 1, the division shall submit, in accordance with Section 68-3-14, a written report to the Business and Labor Interim Committee on the effectiveness of the commission and state law in addressing discrimination in matters of compensation.]~~

Section 5. Section **58-55-201** is amended to read:

58-55-201. Boards created -- Duties.

(1) There is created the Plumbers Licensing Board consisting of seven members as follows:

(a) three members shall be licensed from among the license classifications of master or journeyman plumber, of whom at least one shall represent a union organization and at least one shall be selected having no union affiliation;

(b) three members shall be licensed plumbing contractors, of whom at least one shall represent a union organization and at least one shall be selected having no union affiliation; and

(c) one member shall be from the public at large with no history of involvement in the construction trades.

(2) (a) There is created the Alarm System Security and Licensing Board consisting of five members as follows:

(i) three individuals who are officers or owners of a licensed alarm business;

(ii) one individual from among nominees of the Utah Peace Officers Association; and

(iii) one individual representing the general public.

(b) The Alarm System Security and Licensing Board shall designate one of its members on a permanent or rotating basis to:

(i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

(ii) advise the division in its investigation of these complaints.

(c) A board member who has, under this Subsection (2)(c), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

(3) There is created the Electricians Licensing Board consisting of seven members as follows:

(a) three members shall be licensed from among the license classifications of master or journeyman electrician, of whom at least one shall represent a union organization and at least one shall be selected having no union affiliation;

(b) three members shall be licensed electrical contractors, of whom at least one shall represent a union organization and at least one shall be selected having no union affiliation; and

(c) one member shall be from the public at large with no history of involvement in the construction trades or union affiliation.

(4) The duties, functions, and responsibilities of each board described in Subsections (1) through (3) include the following:

(a) recommending to the commission appropriate rules;

(b) recommending to the commission policy and budgetary matters;

(c) approving and establishing a passing score for applicant examinations;

(d) overseeing the screening of applicants for licensing, renewal, reinstatement, and relicensure;

(e) assisting the commission in establishing standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession the board represents; and

(f) acting as presiding officer in conducting hearings associated with the adjudicative proceedings and in issuing recommended orders when so authorized by the commission.

405 ~~[(5) The division, in collaboration with the Plumbers Licensing Board and the~~
406 ~~Electricians Licensing Board, shall provide a preliminary report on or before October 1, 2019,~~
407 ~~and a final written report on or before June 1, 2020, to the Business and Labor Interim~~
408 ~~Committee and the Occupational and Professional Licensure Review Committee that provides~~
409 ~~recommendations for consistent educational and training standards for plumber and electrician~~
410 ~~apprentice programs in the state, including recommendations for education and training~~
411 ~~provided by all providers, including institutions of higher education and technical colleges.]~~

412 Section 6. **Repealer.**

413 This bill repeals:

414 Section **31A-22-626.5, Affordable insulin study.**